

VZCZCXR05286

PP RUEHB1 RUEHLMC

DE RUEHLM #1489/01 3051006

ZNR UUUUU ZZH

P 011006Z NOV 07

FM AMEMBASSY COLOMBO

TO RUEHC/SECSTATE WASHDC PRIORITY 7110

INFO RUEHKA/AMEMBASSY DHAKA 0497

RUEHLO/AMEMBASSY LONDON 4089

RUEHIL/AMEMBASSY ISLAMABAD 7486

RUEHKT/AMEMBASSY KATHMANDU 5646

RUEHNE/AMEMBASSY NEW DELHI 1516

RUEHN/AMEMBASSY OSLO 4135

RUEHOT/AMEMBASSY OTTAWA 1214

RUEHKO/AMEMBASSY TOKYO 3228

RUEHCG/AMCONSUL CHENNAI 8080

RUEHBI/AMCONSUL MUMBAI 5681

RUEHON/AMCONSUL TORONTO 0435

RUEHGV/USMISSION GENEVA 2417

RHHMUNA/HQ USPACOM HONOLULU HI

RHEFDIA/DIA WASHINGTON DC

RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC

RUEHBS/USEU BRUSSELS

RUEHLMC/MILLENNIUM CHALLENGE CORPORATION

UNCLAS SECTION 01 OF 03 COLOMBO 001489

SIPDIS

SENSITIVE

SIPDIS

STATE FOR SCA/INS

E.O 12958: N/A

TAGS: PGOV PHUM PINS KPAO KDEM CE

SUBJECT: SRI LANKA: MEDIA COME UNDER NEW FIRE; FIGHT BACK

REF: COLOMBO 475

¶1. (SBU) SUMMARY: A series of recent government actions against media outlets or individual reporters has given rise to concern that the government may again be trying to muzzle or intimidate media critics. The Information Ministry has withdrawn the broadcasting license of a radio network on the grounds that one of its stations aired a report of an LTTE attack which proved to be erroneous (the network retracted the story). The police Criminal Investigation Division (CID) arrested a newspaper reporter based on an uncorroborated charge of blackmail by a minister who was the subject of a story on corruption. A magistrate later released the reporter on bail, while severely criticizing police conduct in the incident. Separately, Defense Secretary Gotabaya Rajapaksa threatened to sue the newspaper for articles about alleged corruption in military procurement; the paper challenged him to do so, saying it would countersue for defamation. Another reporter was shot dead in Jaffna. In a bizarre twist, the government issued a draconian war censorship regulation, kept it under wraps for two days, and withdrew the measure within hours of it becoming public. End summary.

WITHDRAWAL OF RADIO NETWORK LICENSE

¶2. (SBU) On October 26, 2007, the Ministry of Information withdrew the broadcasting license of the Asian Broadcasting Corporation (ABC) radio network (no connection to U.S.-based ABC) and ordered the network to stop broadcasting immediately. This affected five radio stations: Hiru and Sha (Sinhala), Gold (English), Sun (English) and Sooriyan (Tamil). The move was ostensibly in reaction to an erroneous news report by Hiru on October 24 regarding a suspected Liberation Tigers of Tamil Eelam (LTTE) attack on Ranminitenna, a village near Tissamaharama in Sri Lanka's deep south. The news item was picked up by other media outlets. Hiru promptly corrected its story after learning that, although villagers had gone to police with reports of seeing some strangers in black uniforms in the vicinity, no attack had taken place. Other media outlets did not issue corrections; however, the Information Ministry took action

only against ABC.

¶3. (SBU) Raynor Silva, Managing Director of ABC said: "Even internationally, a warning is issued on the radio station when an error is said to have occurred, and certainly the whole network is not penalized and asked to shut down." In fact, the ABC radio stations are close to the main opposition United National party and have generally been critical of the government. The GSL had previously warned ABC against broadcasting recorded statements by LTTE leaders. On August 28, 2006, Sooriyan News Director N. Guruparan was abducted and released 13 hours later.

¶4. (U) Reporters Without Borders condemned the Government's action, saying "The circumstances should not be used by the government as a pretext for a form of censorship" The Sri Lanka-based Free Media Movement (FMM) stated, "FMM is deeply concerned about this drastic action by the government not only because of what it indicates about the state of media freedom in this country, but also because of the impact such a sudden closure can have on the over 300 persons who are employed by the ABC radio network".

¶5. (U) The Court of Appeal took up a Writ Application against the withdrawal of ABC'S broadcasting license on October 29. Appeal Court Judges obtained an undertaking from the Telecommunication Regulatory Commission, one of the respondents, that ABC's frequencies would not be allocated to a third party until November 16, the date listed for giving support to the Application. Also on October 29, ABC filed a Fundamental Rights petition in the Supreme Court challenging the withdrawal of its broadcasting licenses and frequencies and asking for 400 million rupees [\$3.6 million] in damages. Managing Director Silva has also filed for an injunction to prevent police from arresting or detaining him. The Information

COLOMBO 00001489 002 OF 003

Ministry countered with a submission stating that no private broadcaster in Sri Lanka had applied for or received a license to carry news. On November 1, in a sign that ABC will face a tough battle, the Supreme Court charged the company with contempt because of omissions and technical defects in its affidavit alleging infringement of its fundamental rights.

WAR CENSORSHIP IMPOSED, LIFTED HOURS LATER

¶6. (SBU) In a bizarre episode, the government issued a draconian executive order on war censorship under the emergency regulations on October 29, kept it out of the public domain until October 31, and then withdrew it within hours. The rule would prohibit both print and broadcast media from disseminating any information about military deployments, operations, or use of weapons and any information related to military procurement. An as-yet unnamed "Competent Authority" (probably the Ministry of Defense) would have authority to suspend publication or broadcasting of any media outlet found in contravention of the order, and the authors and publishers would be subject to criminal prosecutions. Defense analyst Iqbal Athas (strictly protect) noted this would have a chilling effect on any reporting on national security issues, including his own work. The government said it had promulgated the regulation in reaction to the ABC case, but was now retracting it because of the media's good behavior in the interim.

JOURNALIST ARRESTED ON TRUMPED-UP CHARGES

¶7. (U) On October 24, 2007 the Criminal Investigation Department (CID) arrested Arthur Wamanan, a 22-year old Investigations Desk Journalist at the muckraking "Sunday Leader", apparently on the basis of an uncorroborated statement by Enterprise Development Minister Mano Wijeratne. Wamanan was working on a story that Wijeratne had an office under his Ministry cover his wife's international roaming cell phone bill and called the Minister to obtain his side of the story. Wijeratne rose in Parliament to accuse an unnamed journalist of trying to blackmail him over a story, cast aspersions on the general practice of journalism in the country, and later filed a complaint with the Criminal Investigation Division (after the story appeared in the Leader) alleging that

Wamanan tried to extort money from him.

¶18. (U) Wamanan was charged by the CID under the Penal Code for Extortion, arrested and remanded. On October 26, Chief Magistrate Ayeshani Jayasena conducted Wanaman's bail hearing. The CID objected to granting of bail, citing (among other reasons) that Wamanan was Tamil, had connections to Sri Lanka's North, where his parents were born, and lived in a predominantly Tamil neighborhood in Colombo. The magistrate lectured the CID officers at length and reprimanded them for acting on hearsay without proper evidence. She granted bail, saying Wamanan's further incarceration would send the wrong signal at a time the media were already under pressure. Jayasena fixed a hearing date of November 30.

¶19. (U) Wijeratne's brother Niranjan, a respected official of the Buddhist "Temple of the Tooth" in Kandy, conveyed a personal apology to Wamanan and the "Leader" on October 27 dismissing his brother's claim as "an allegation which can be nothing more than a joke - are journalists so mad to ask for a bribe of 5 million rupees [\$45,000] to hold back a story involving a payment of 80,000 rupees [\$700]?"

DEFENSE SECRETARY THREATENS "LEADER" WITH LAWSUIT

¶10. (U) Defense Secretary Gothabaya Rajapakse sent a letter of demand on October 18, 2007 to the Chairman of Leader Publications, the Editor of "Sunday Leader" seeking damages of 1 billion rupees for an article alleging huge kickbacks in the GSL's procurement of

COLOMBO 00001489 003 OF 003

MiG aircraft. (Note: The MiG transaction is presently under investigation by the Permanent Commission Investigating Allegations of Bribery and Corruption following a complaint filed by former Ministers Mangala Samaraweera and Sripathi Sooriyaratne in which Gothabaya is cited by name.) In response, the Leader's attorney invited the Secretary of Defense to file action in Court, saying his clients would countersue for defamation. The letter suggested that the Defense Secretary resign.

JAFFNA JOURNALIST MURDERED

¶11. (U) Tamil freelance journalist Kanagarajan Prashanthan was shot dead in Jaffna on October 26, 2007. The Free Media Movement, in a press release, stated "FMM is afraid Pradeepan was killed in mistaken identity of his journalist brother, and journalist Prashanthan may be in danger." Pradeepan's identical twin, Prashanthan was formerly employed with the newspaper "Namathu Eelanadu" in Jaffna. The paper's office has been closed since its Managing Director, Sinnathamby Sivamaharajah, was shot dead at his Jaffna home on August 21, 2006. Earlier in 2007, two Jaffna journalists have been victims of extrajudicial killings: Selvarajah Rajivewaran of the newspaper "Uthayan" on April 29, and Nilakshan Sagadevan of the Jaffna University Media Research Training Center on August 1. 2007 has also seen seven incidents of assaults and attacks on journalists in the South.

¶12. (SBU) COMMENT: It appears that after a period of relative quiet on the media front, the government has chosen to return to more aggressive tactics intended to silence critical voices. There is also speculation that senior GSL officials have been looking for an excuse to revoke ABC's broadcast and frequency licenses in order to redistribute them to political and business allies. It is hard to fathom why the government withdrew its ill-considered censorship regulation so quickly. Some observers believe that the GSL realized it was vulnerable to charges of trying to muzzle criticism of military procurement irregularities. Embassy will find a suitable opportunity to raise with the GSL our concerns about this recent spate of actions against media freedom.

BLAKE